

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Elaine Robinson,)	Civil Action No.: 3:14-CV-391-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
State of South Carolina Department)	
of Corrections,)	
)	
Defendant.)	

Plaintiff Elaine Robinson (“Plaintiff”) filed this action against her employer Defendant South Carolina Department of Corrections (“Defendant”), alleging race and gender discrimination, retaliation, and hostile work environment in violation of 42 U.S.C. § 1981, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”), and the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621 *et seq.*

Defendant filed a motion for summary judgment on January 26, 2015. (ECF No. 23.) In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this employment discrimination matter was referred to a United States Magistrate Judge for consideration of pretrial matters. The Magistrate Judge has prepared a thorough Report and Recommendation which recommends that Defendant’s motion be granted. (ECF No. 40.) Plaintiff filed objections to the Report and Recommendation on August 14, 2015 (ECF No. 41), and Defendant filed a response to Plaintiff’s objections on August 18, 2015. (ECF No. 42.) For the reasons set forth herein, this Court adopts the Report and Recommendation and grants Defendant’s Motion for Summary Judgment.

STANDARD OF REVIEW

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b)(1).

DISCUSSION

The Report and Recommendation sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates them herein. The Magistrate Judge carefully considered Defendant's motion for summary judgment and found: 1) Plaintiff failed to establish a prima facie case of hostile work environment based on the record in this case; 2) Plaintiff cannot demonstrate, based on the evidence in the record, a prima facie case of race and gender discrimination based on failure to promote Plaintiff to one of the three positions for which she applied, or that Defendant's legitimate, non-discriminatory reason for hiring other candidates was a pretext for discrimination; and 3) Plaintiff cannot show that any adverse action was causally connected to her participation in protected activity to establish her retaliation claim. Accordingly, the Magistrate Judge recommends that Defendant's motion for summary judgment be granted. (ECF No. 40 at 22.)

Plaintiff filed timely objections to the Report and Recommendation. (ECF No. 41.)

Plaintiff generally objects to the proposed ruling of the Report and Recommendation, and further claims that the Magistrate Judge failed to review the evidence in the record in the light most favorable to her. (ECF No. 41 at 4-5.) Plaintiff argues that she has presented sufficient facts to substantiate each cause of action and to survive Defendant's motion for summary judgment. By way of objections, Plaintiff sets forth a listing of "facts and arguments ignored by the court," to which this Court has paid particular attention. To summarize, Plaintiff maintains that the Magistrate Judge failed to address Plaintiff's extensive employment history, consider reasons why Plaintiff's employment environment was hostile, and credit her arguments concerning the alleged retaliatory acts taken against her as an African American female.

Although proclaimed to be specific objections, Plaintiff's objections are more general and conclusory in nature, and instead reflect Plaintiff's opposition to the Magistrate Judge's overall findings and recommended disposition. Still, the Court has conducted a de novo review, and overrules Plaintiff's objections, having found them to be substantial restatements of arguments and factual assertions made before and considered by the Magistrate Judge on the above-mentioned issues. The Court finds that the Magistrate Judge prepared an extensive and detailed Report and Recommendation that appropriately addressed the parties' arguments in light of the entirety of the evidence presented and the applicable law. Having carefully reviewed Plaintiff's objections to the Magistrate Judge's recitation of the facts and construing the facts and inferences to be drawn in the light most favorable to Plaintiff, the Court finds that none of Plaintiff's objections merit rejection of the Report and its well-reasoned analysis. The Court finds no error.

CONCLUSION

Having conducted a de novo review of the record in this case, the Court agrees with the thorough and well-reasoned analysis of the Magistrate Judge. Plaintiff's objections are overruled, and the Report is adopted and incorporated herein by reference. Therefore, it is ORDERED that Defendant's Motion for Summary Judgment (ECF No. 23) is GRANTED and this action hereby DISMISSED.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Columbia, South Carolina
August 31, 2015